

Judicial Branch

Analyst: Castro

Historical Summary

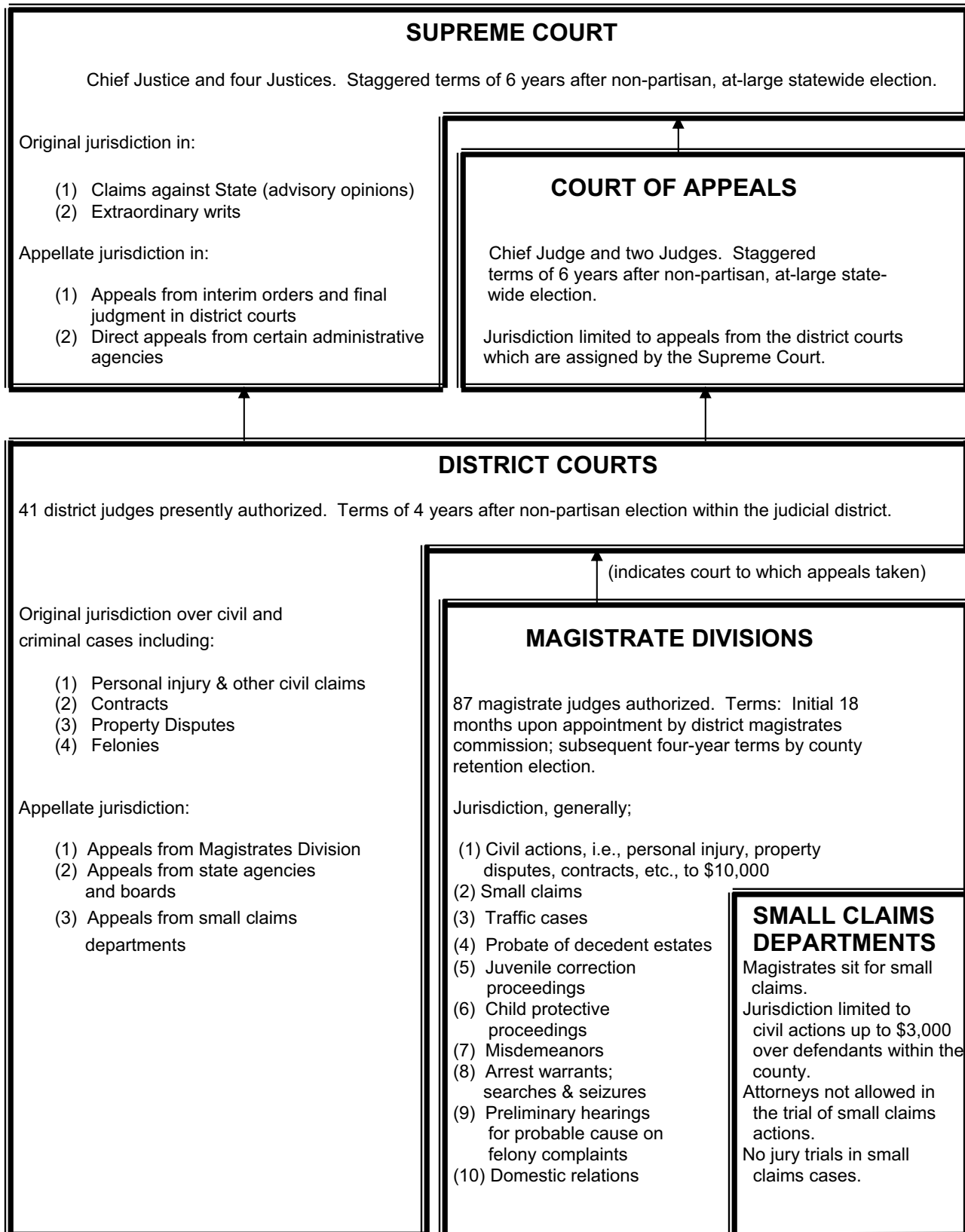
OPERATING BUDGET	FY 2007 Total App	FY 2007 Actual	FY 2008 Approp	FY 2009 Request	FY 2009 Gov Rec
BY PROGRAM					
Supreme Court	5,767,400	5,096,800	6,017,400	6,691,000	6,827,000
Law Library	521,300	507,700	522,800	583,900	543,300
District Courts	14,690,300	14,261,800	16,314,800	18,001,700	18,342,100
Magistrates Division	13,441,100	12,882,900	14,534,400	14,716,000	15,145,200
Judicial Council	113,400	113,200	113,400	113,400	113,400
Court of Appeals	1,193,500	1,212,700	1,244,200	1,794,700	1,873,900
Guardian Ad Litem Account	439,100	439,100	663,100	679,100	679,100
Snake River Basin Adjudication	863,400	836,500	942,400	928,400	954,800
Total:	37,029,500	35,350,700	40,352,500	43,508,200	44,478,800
BY FUND CATEGORY					
General	27,749,100	27,746,800	30,184,300	32,425,900	33,381,300
Dedicated	7,748,900	6,699,900	8,632,100	9,540,600	9,551,800
Federal	1,531,500	904,000	1,536,100	1,541,700	1,545,700
Total:	37,029,500	35,350,700	40,352,500	43,508,200	44,478,800
Percent Change:		(4.5%)	14.1%	7.8%	10.2%
BY OBJECT OF EXPENDITURE					
Personnel Costs	0	25,082,500	0	29,807,800	30,789,400
Operating Expenditures	0	9,349,800	0	11,634,500	11,623,500
Capital Outlay	0	314,200	0	1,192,700	1,192,700
Trustee/Benefit	0	604,200	0	873,200	873,200
Lump Sum	37,029,500	0	40,352,500	0	0
Total:	37,029,500	35,350,700	40,352,500	43,508,200	44,478,800
Full-Time Positions (FTP)	255.00	255.00	261.00	272.00	272.00

Department Description

The Judicial Branch is made up of the following programs:

- 1) The Supreme Court of Idaho is the state's court of last resort. The Court hears appeals from final decisions of the District Court, as well as from orders of the PUC and the Industrial Commission.
- 2) The Law Library is the state repository for official publications received from other states and the federal government.
- 3) The District Courts have original jurisdiction over all civil and criminal cases, and appeals from the Magistrate Division, state agencies and boards.
- 4) The Magistrate Division has jurisdiction over cases involving domestic violence, domestic relations, juvenile cases, and civil cases under \$10,000, felony preliminary hearings, criminal misdemeanors, and infractions.
- 5) The Idaho Judicial Council is empowered by statute to nominate persons to the Governor for appointment to vacancies on the Supreme Court, Court of Appeals, and District Courts and make recommendations to the Supreme Court for the removal, discipline and retirement of judicial officers.
- 6) The Court of Appeals provides another court to share the appellate caseload with the Idaho Supreme Court. The court has jurisdiction to hear and decide all cases assigned to it by the Supreme Court; except cases invoking the Supreme Court's original jurisdiction, appeals from the Industrial Commission, PUC, and death penalty cases.
- 7) Guardian Ad Litem grants are awarded to Court Appointed Special Advocate (CASA) programs to recruit, train and coordinate volunteers to act as court appointed special advocates for abused, neglected or abandoned children under the Child Protective Act.
- 8) The Snake River Basin Adjudication is a court process established to inventory all surface and ground water rights in the Snake River drainage.

IDAHO'S INTEGRATED COURT STRUCTURE



Judicial Branch

Agency Profile

Analyst: Castro

Sources of Funds

	<u>Percent of Total</u>	<u>FY 2007 Actual</u>	<u>FY 2008 Estimate</u>	<u>FY 2009 Request</u>
1. General Fund (0001-00)	78%	27,746,800	30,028,200	32,425,900
General Fund: Derived from individual and corporate income tax, sales tax, cigarette tax, beer and wine tax, liquor surcharge, kilowatt hour tax, and other miscellaneous taxes. Used for personnel, operating and capital outlay.				
2. Economic Recovery Reserve (0150-00)	0%	170,000	156,100	0
Twenty-nine cents of the 57 cent per pack cigarette tax.				
3. Guardian Ad Litem (0239-00)	0%	0	14,000	30,000
This fund consists of moneys transferred from the state General Fund, contributions, and interest earnings. All moneys are distributed to guardian ad litem programs within the judicial districts in the state and to pay the administrative expenses of a grant administrator selected by the Supreme Court. A guardian ad litem program is designed to recruit, train and coordinate volunteer persons to serve as guardians ad litem for abused, neglected or abandoned children.				
4. ISTARS Technology (0314-00)	9%	3,031,400	3,370,300	3,373,600
Funding comes from a five dollar fee on all criminal and infraction offenses, and five dollars of the filing fee and appearance fee in civil cases. Subject to appropriation, these moneys in this fund are used to support and maintain the Trial Court Automated Records System (ISTARS) technology program. ISTARS is the statewide automation of court records, information, and operations to manage judicial caseloads and timely transmission of court information to law enforcement, transportation and fish and game.				
5. Drug/MH/Family Court Services (0340-00)	8%	2,777,200	3,722,900	4,732,100
Funded from a 2% surcharge from the sale of liquor. These funds are subject to appropriation and are used by the Supreme Court for the operation of drug courts and to assist children and families in the courts.				
6. Guardianship Pilot Project (0341-00)	0%	37,900	276,400	276,400
Pilot project established to help design and improve the reporting and monitoring system for guardianships and conservator ships with funding coming from additional filing and reporting fees.				
7. Senior Magistrate Judges (0347-00)	1%	309,900	510,000	510,000
Enables the Supreme Court to purchase membership service in the Public Employee Retirement System for certain retiring magistrate judges. To capitalize this fund, civil filing fees were increased by six dollars.				
8. Millennium Income (0499-00)	1%	270,000	420,000	420,000
Consists of distributions from the Idaho Millennium Fund to support youth courts and status offender services.				
9. Miscellaneous Revenue (0349-00)	0%	103,500	318,500	618,500
Receipts from sales of publications and computer aided legal research.				
10. Federal Grants (0348-00)	3%	904,000	1,536,100	1,541,700
Funding from federal agencies to support drug courts, drug court evaluations, among other things.				
Total	100%	35,350,700	40,352,500	43,928,200

Judicial Branch

Comparative Summary

Analyst: Castro

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
FY 2008 Original Appropriation	261.00	30,184,300	40,352,500	261.00	30,184,300	40,352,500
Other Appropriation Adjustments	0.00	0	0	0.00	0	0
FY 2008 Total Appropriation	261.00	30,184,300	40,352,500	261.00	30,184,300	40,352,500
Removal of One-Time Expenditures	0.00	(156,100)	(590,100)	0.00	(156,100)	(590,100)
Base Adjustments	0.00	0	0	0.00	0	0
FY 2009 Base	261.00	30,028,200	39,762,400	261.00	30,028,200	39,762,400
Benefit Costs	0.00	652,700	667,000	0.00	652,700	667,000
Inflationary Adjustments	0.00	11,000	11,000	0.00	0	0
Replacement Items	0.00	20,300	20,300	0.00	20,300	20,300
Statewide Cost Allocation	0.00	28,200	28,200	0.00	28,200	28,200
Change in Employee Compensation	0.00	241,600	245,400	0.00	1,208,000	1,227,000
FY 2009 Program Maintenance	261.00	30,982,000	40,734,300	261.00	31,937,400	41,704,900
1. Human Resource Officer & Assistant	2.00	157,800	157,800	2.00	157,800	157,800
2. Deputy Legal Counsel	1.00	112,500	112,500	1.00	112,500	112,500
3. Increased Spending Authority	0.00	0	300,000	0.00	0	300,000
4. Additional FTP in Federal Funds	4.00	2,400	2,400	4.00	2,400	2,400
5. Court Reporter Salary Adjustment	0.00	375,000	375,000	0.00	375,000	375,000
6. Increase Senior Judge Days	0.00	248,200	248,200	0.00	248,200	248,200
8. New Judge & Staff	4.00	368,000	368,000	4.00	368,000	368,000
9. Court of Appeals move to Sup. Ct. Blding	0.00	180,000	180,000	0.00	180,000	180,000
10. Increase Spending Authority	0.00	0	30,000	0.00	0	30,000
11. Additional Spending Authority	0.00	0	1,000,000	0.00	0	1,000,000
Lump-Sum or Other Adjustments	0.00	0	0	0.00	0	0
FY 2009 Total	272.00	32,425,900	43,508,200	272.00	33,381,300	44,478,800
Change from Original Appropriation	11.00	2,241,600	3,155,700	11.00	3,197,000	4,126,300
% Change from Original Appropriation		7.4%	7.8%		10.6%	10.2%

Judicial Branch

Analyst: Castro

Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
FY 2008 Original Appropriation	261.00	30,184,300	8,632,100	1,536,100	40,352,500

Other Appropriation Adjustments

Reflects lump sum allocation.

Agency Request	0.00	0	0	0	0
Governor's Recommendation	0.00	0	0	0	0

FY 2008 Total Appropriation					
Agency Request	261.00	30,184,300	8,632,100	1,536,100	40,352,500
Governor's Recommendation	261.00	30,184,300	8,632,100	1,536,100	40,352,500

Removal of One-Time Expenditures

Remove funding provided for one-time items.

Agency Request	0.00	(156,100)	(434,000)	0	(590,100)
Governor's Recommendation	0.00	(156,100)	(434,000)	0	(590,100)

Base Adjustments

Agency Request	0.00	0	0	0	0
Governor's Recommendation	0.00	0	0	0	0

FY 2009 Base					
Agency Request	261.00	30,028,200	8,198,100	1,536,100	39,762,400
Governor's Recommendation	261.00	30,028,200	8,198,100	1,536,100	39,762,400

Benefit Costs

Reflects \$2,075 per position or a 29% increase in employer-paid health insurance premiums from \$7,125 to \$9,200 per year. This increase is artificially inflated since the rates have been frozen for the last two years, with increases being covered from reserves.

Agency Request	0.00	652,700	9,700	4,600	667,000
<i>The Governor recommends funding the employer increase in health insurance, and does not remove the funding for their PERSI rate increase that was included in the request. Recently, the PERSI Board voted not to increase the contribution rate for the upcoming fiscal year.</i>					
Governor's Recommendation	0.00	652,700	9,700	4,600	667,000

Inflationary Adjustments

This inflationary adjustment is arrived at by subtracting one-time funding and statewide allocation plan costs from the base and calculating a customized increase for all remaining operating costs. This request reflects a 4.79% increase over the Law Library base operating budget. Inflation was not requested in any other programs.

Agency Request	0.00	11,000	0	0	11,000
<i>Inflationary increases are provided only for contractual obligations such as leased space costs. Other inflationary requests are not recommended.</i>					
Governor's Recommendation	0.00	0	0	0	0

Replacement Items

Includes \$1,500 for three desk chairs; \$6,000 for three executive replacement desks; and \$12,800 for sixteen regular replacement desks.

Agency Request	0.00	20,300	0	0	20,300
Governor's Recommendation	0.00	20,300	0	0	20,300

Statewide Cost Allocation

This decision unit includes adjustments for services provided by state agencies as follows: \$8,200 for Risk Management cost increases, \$20,200 for Controller's fee increases, and a reduction of \$200 for State Treasurer's fees.

Agency Request	0.00	28,200	0	0	28,200
Governor's Recommendation	0.00	28,200	0	0	28,200

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
Change in Employee Compensation					
Agencies were instructed to input a CEC based on a 1% calculator. This request also reflects a 1% salary calculator for Supreme Court Justices.					
Agency Request	0.00	241,600	2,800	1,000	245,400
<i>The Governor recommends a compensation increase of 5% to be distributed based on merit.</i>					
Governor's Recommendation	0.00	1,208,000	14,000	5,000	1,227,000

FY 2009 Program Maintenance					
Agency Request	261.00	30,982,000	8,210,600	1,541,700	40,734,300
Governor's Recommendation	261.00	31,937,400	8,221,800	1,545,700	41,704,900

1. Human Resource Officer & Assistant

The court is requesting a Human Resource Officer and an Administrative Assistant position. In the past the Court has relied on the Division of Human Resources (DHR) for staffing studies, compensations reviews, training, and support. With the elimination of DHR, the Court believes it is vital to hire the specialized human resource expertise to handle ADA and FLSA compliance, recruitment, compensation reviews, investigations, and counseling on statutes, rules, policies, procedures and benefits. The Human Resources Officer salary and benefits are budgeted at \$91,200 and the Administrative Assistant's salary and benefits are budgeted at \$66,800. [Ongoing- \$154,000; One-time- \$3,300]

Agency Request	2.00	157,800	0	0	157,800
Governor's Recommendation	2.00	157,800	0	0	157,800

2. Deputy Legal Counsel

The court is requesting a new deputy legal counsel position. This individual would conduct and coordinate necessary legal research for district and magistrate judges, maintain a database of legal research and memoranda, and compile bench guides and other resources in coordination with the Judicial Education Committee. [Ongoing- \$110,000; One-time- \$2,500]

Agency Request	1.00	112,500	0	0	112,500
Governor's Recommendation	1.00	112,500	0	0	112,500

3. Increased Spending Authority

The court is requesting spending authority for miscellaneous revenues that are generated a cash balance over time from copying fees, registration and conference fees, and other fees. The funding will be used to fund the relocation of the Law Library, help pay for newly rented space, and construction costs in the Supreme Court Building. [Ongoing- \$300,000]

Analyst Comment: The Judicial Branch supports funding this request one-time, the original request was accidentally entered as ongoing but the revenues are one-time in nature.

Agency Request	0.00	0	300,000	0	300,000
Governor's Recommendation	0.00	0	300,000	0	300,000

4. Additional FTP in Federal Funds

The courts are requesting FTP to convert four contracted or part-time staff to full employment. The three positions will be a full-time, benefited Child Protection Analyst; a benefitted Accountant/Financial Technician; a Program Manager for the child protection grants and a full-time, benefited Program Manager for the Guardianship Pilot Project. The courts already have the funding and the spending authority, the only items being requested are FTP and some minimal one-time capital outlay for desks.

[Ongoing- 3.0 FTP; One-time- \$2,400]

Agency Request	4.00	2,400	0	0	2,400
Governor's Recommendation	4.00	2,400	0	0	2,400

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
5. Court Reporter Salary Adjustment					
The court requests an additional 10% adjustment to pay court reporters that are real-time capable, and a 20% adjustment to pay court reporters that are real-time certified. Real-time capable means that the highly skilled court reporter can provide transcription in real-time. Real-time certified means a court reporter can demonstrate the highest level of competency and has passed a certification test given by the Court Reporters Board. There are currently 41 court reporters statewide, and projections indicate 37 will be real-time capable and 4 could be real-time certified. This request is broken down by \$310,400 in salary, \$64,600 in benefits. [Ongoing- \$375,000]					
Agency Request	0.00	375,000	0	0	375,000
Governor's Recommendation	0.00	375,000	0	0	375,000
6. Increase Senior Judge Days					
Funding is requested for additional senior judges days to resolve disputes within the time standards adopted by the Supreme Court. A cadre of well-respected, experienced senior retired judges are available to be assigned to courts where the caseload needs are the greatest, or emergency circumstances exist. This level of funding provides \$200,900 or 550 senior judge days, \$29,800 in travel, and \$17,500 for life and health insurance. [Ongoing]					
Agency Request	0.00	248,200	0	0	248,200
Governor's Recommendation	0.00	248,200	0	0	248,200
8. New Judge & Staff					
The courts are requesting an additional judge for the Court of Appeals as well as a court assistant and two law clerks. Since its' inception, the court of appeals has seen a 250% increase in the number of appeals filed as well as an increase in the complexity of the cases appears before the Court of Appeals. The request is broken out as follows: judge salary and benefits \$144,200; judicial assistant salary and benefits \$68,600; two law clerks salary and benefits \$137,200; travel and education \$10,000; furniture and equipment \$8,000. [On-going- \$360,000; One-time \$8,000]					
Agency Request	4.00	368,000	0	0	368,000
Governor's Recommendation	4.00	368,000	0	0	368,000
9. Court of Appeals move to Sup. Ct. Bldg					
The court is requesting \$140,000 to move the Court of Appeals to the space currently operated by the Law Library at the Supreme Court building located in Boise. The plan is to move the Law Library first, undergo some asbestos abatement and complete construction for offices, and then move the Court of Appeals into the space. \$40,000 is requested ongoing to cover increased rent costs for the Law Library. [Ongoing- \$40,000; One-time- \$140,000]					
Agency Request	0.00	180,000	0	0	180,000
Governor's Recommendation	0.00	180,000	0	0	180,000
10. Increase Spending Authority					
The court is requesting spending authority to spend the interest collected in the Guardian Ad Litem fund for FY2009.					
Agency Request	0.00	0	30,000	0	30,000
Governor's Recommendation	0.00	0	30,000	0	30,000
11. Additional Spending Authority					
Due to growth in liquor sales over the last couple years, combined with the increase in county receipts, the fiscal year revenues are exceeding the FY 2008 appropriation for the Drug, Mental Health, and Family Court Services fund. The additional spending authority will allow the court to continue to expand programs for Drug, Mental Health, and Family Court Services for the next two years before additional spending authority will need to be requested.					
Agency Request	0.00	0	1,000,000	0	1,000,000
Governor's Recommendation	0.00	0	1,000,000	0	1,000,000

Judicial Branch

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
Lump-Sum or Other Adjustments					
The courts requests a lump sum appropriation which removes all restrictions that limit the transfer of moneys among personnel costs, operating expenses, capital outlay and trustee and benefit payments. As an exception to state budget laws, a lump sum appropriation requires specific legislative authorization and approval per Idaho Code §67-3508(1).					
Agency Request	0.00	0	0	0	0
Governor's Recommendation	0.00	0	0	0	0
FY 2009 Total					
Agency Request	272.00	32,425,900	9,540,600	1,541,700	43,508,200
Governor's Recommendation	272.00	33,381,300	9,551,800	1,545,700	44,478,800
Agency Request					
Change from Original App	11.00	2,241,600	908,500	5,600	3,155,700
% Change from Original App	4.2%	7.4%	10.5%	0.4%	7.8%
Governor's Recommendation					
Change from Original App	11.00	3,197,000	919,700	9,600	4,126,300
% Change from Original App	4.2%	10.6%	10.7%	0.6%	10.2%